

## State and Federal Legal Requirements for New Hampshire Statewide Assessment Administration

[RSA 193-C:6](#) Assessment Required. A statewide assessment shall be administered in all school districts in the state once in an elementary school grade, once in a middle school grade, and one grade in high school. For those years in grades 3 through 8 in which the school district does not administer the statewide assessment, the school district, in consultation with the department and as part of the statewide education improvement and assessment program, shall develop and administer its own assessment or shall administer a standardized assessment that identifies a pupil's range of learning and yields objective data to use in improving instruction and learning. All public school students in the designated grades shall participate in the assessment, unless such student is exempted ***from taking the test by his or her parent or legal guardian***, or provided that the commissioner of the department of education may, through an agreement with another state when such state and New Hampshire are parties to an interstate agreement, allow pupils to participate in that state's assessment program as an alternative to the assessment required under this chapter. Home educated students may contact their local school districts if they wish to participate in the statewide assessment. Private schools may contact the department of education to participate in the statewide assessment. The department may use the College Board SAT or ACT college readiness assessment to satisfy the high school assessment requirements of this chapter. The statewide assessment results of a student or the student's school district shall not be included as part of the student's transcript unless the student, if 18 years of age or older, or the student's parent or legal guardian if the student is under 18 years of age, consents. ***A school district shall not penalize any exempted student nor shall the department of education or the state board of education penalize any school district for a lower participation rate. A school district shall develop a form to be signed by the parent or legal guardian of any student exempted from the assessment. The school district shall provide an appropriate alternative educational activity for the time period during which the assessment is administered. The alternative activity shall be agreed upon by the school district and the parent or legal guardian of the student. The name of the parent or legal guardian and any specific reasons disclosed to school officials for the objection to the assessment shall not be public information and shall be excluded from access under RSA 91-A.***

RSA 193-C:6 notwithstanding, Federal law requires all States that receive funds under Title I, Part A of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA) ensure not less than 95 percent of students (and 95 percent of all students within subgroups) participate in the annual statewide assessment (ESSA Section 1111 (c)(4)(E)).

This assurance is embedded in New Hampshire's accountability system as follows:

1. Unless a student has a serious illness/medical emergency, severe emotional distress, death in the family, qualifies for NH Alternative assessment or participated in another state's assessment system, that student is counted in the participation rate denominator.

2. After the participation rate calculation is completed, if a school and/or district has less than 95 percent participation, the number of students under 95 percent will be calculated as zeros in the achievement and growth indicators. For example, if XYZ School has a participation rate of 92 percent, three percent of the scores ( $95\% - 92\% = 3\%$ ) will be included in the accountability system as zeros; however, no one particular student will be identified with those zeros.

The New Hampshire Department of Education (NHDOE) must publically report all school and district participation rates and attainment, along with the State's overall participation rate and attainment. The NHDOE will make every effort to report participation rates and attainment for federal reporting purposes as well as participation rates and attainment for those students who participate in the assessment.

### **Exemption**

New Hampshire's state law gives the ability of a parent to exempt their public school student from participating in any of the required statewide assessments (English language arts, mathematics, and/or science). School districts must ensure an exemption form is available for a parent to sign for any student exempted from participating in the assessment.

Lastly, if a parent exempts his/her student from taking the statewide assessment, the school district and parent must agree upon an alternative educational activity during the testing period. It is recommended that the agreed upon alternative activity is written on the exemption form signed by the parent, along with an acknowledgement statement that no scores or summary of individual student performance, based on the statewide assessment, will be provided to the parents of the exempted student.

### **Legal Reference:**

- RSA 193:C:6
- Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act: Section 1111(c)(4)(E)